

Message Text

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ACTION ACDA-10

INFO OCT-01 IO-13 ISO-00 FEA-01 CIAE-00 INR-07 L-03

NSAE-00 NSC-05 EB-07 NRC-05 OES-06 DODE-00 AS-01

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P 121606Z MAY 76

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC PRIORITY 7524

INFO USERDA GERMANTOWN PRIORITY

C O N F I D E N T I A L SECTION 1 OF 2 IAEA VIENNA 3952

DEPT PASS IO/SCT

E.O. 11652: GDS

TAGS: IAEA, PARM, TECH

SUBJECT: SAFEGUARDS PRINCIPLES: TIMELINESS AND RESIDENT INSPECTIONS

REF: (A) STATE 101640, (B) IAEA VIENNA 3689, (C) 75 STATE 16748,
(D) IAEA VIENNA 1696, (E) STATE 103278

SUMMARY: MISSION PRESENTED TO IAEA (ROMETSCH) US VIEWS ON RESIDENT AND CONTINUOUS INSPECTION AND ON TIMELINESS AS PER REFTEL A. CLARIFICATION OF US POSITION OF THESE ISSUES SEEMS TO HAVE BEEN ACHIEVED. ROMETSCH REQUESTED US VIEWS IN WRITING AND MISSION PROPOSES THE MATERIAL IN PARAGRAPH 6 BELOW FOR THIS PURPOSE. ACTION REQUESTED: DEPARTMENT CONCURRENCE IN THE DRAFT US POSITION STATEMENT IN PARAGRAPH 6 AND IN THE PROPOSED PLAN OF ACTION IN PARAGRAPH 7 FOR S. END SUMMARY.

1. ON MAY 5, MAHY, HOUCK AND I MET WITH IAEA IG ROMETSCH AND PRESENTED TO HIM ORALLY THE U.S. VIEWS CONTAINED IN REFTEL A. ASPECTS OF DISCUSSION RELATING TO SAFEGUARDS IN JAPAN WERE REPORTED IN REFTEL B.

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2. I BELIEVE THE IG NOW UNDERSTANDS THE U.S. POSITIONS

REGARDING RESIDENT, CONTINUOUS AND CONTINUAL INSPECTION. WITH RESPECT TO PARAGRAPH 1 (B) OF REFTEL A, ROMETSCH MADE POINT THAT QUOTE RIGHT UNQUOTE OF INSPECTORS TO MAINTAIN RESIDENCE IN INSPECTED STATES DID NOT HAVE A LEGAL BASIS. ONLY EXISTING CASE IS THE HEADQUARTERS AGREEMENT WITH AUSTRIA WHICH GUARANTEES RESIDENCE RIGHTS FOR ALL IAEA EMPLOYEES. ROMETSCH AGREED THAT IAEA SHOULD NOT IN ANY CASE RENOUNCE SUCH RIGHTS AND IAEA HAS IN NO CASE DONE SO.

3. ROMETSCH ALSO STATED GENERAL AGREEMENT WITH THE CONTENTS OF PARAGRAPH 1 (C) OF REFTEL A. REGARDING THE REMAINDER OF THE POINTS IN REFTEL A, ROMETSCH RAISED GENERAL QUESTION OF HOW FREQUENT SHOULD INSPECTIONS BE WHEN CRITICAL OPERATIONS ARE NOT OCCURRING IN A PLANT; STATED THAT, GIVEN CURRENT LIMITATIONS, ACHIEVING DIVERSION DETECTION ON A TIME SCALE OF A WEEK OR LESS WOULD BE EXTREMELY DIFFICULT; AND POINTED OUT AGAIN THE DIFFICULTIES OF TAKING PHYSICAL INVENTORIES, AND HENCE DETECTING DIVERSION BY THAT MEANS, AT FAST CRITICAL FACILITIES SUCH AS THE ONE IN JAPAN.

4. ROMETSCH REQUESTED THAT WE PROVIDE HIM WITH A WRITTEN STATEMENT OF THE VIEWS WE PRESENTED. WE SAID WE WOULD ATTEMPT TO DO SO AND HAVE PREPARED THE DRAFT STATEMENT CONTAINED IN PARAGRAPH 6 BELOW. THIS STATEMENT IS SUBMITTED FOR DEPARTMENT CONCURRENCE FOR PROVIDING TO IAEA. I BELIEVE THAT PROVIDING THE IAEA WITH A WRITTEN STATEMENT IS SIGNIFICANTLY MORE EFFECTIVE THAN AN ORAL PRESENTATION ALONE. THE POSITIVE IMPACT ON IAEA VIEWS OF THE MATERIAL IN REFTEL C HAS BEEN DUE IN LARGE PART TO THE FACT THAT THE MATERIAL WAS PROVIDED IN WRITING. ROMETSCH SAID AN AGENCY RESPONSE TO THAT US POSITION PAPER WAS STILL BEING WORKED ON, BUT NOT ON URGENT BASIS.

5. IN VIEW OF SOVIET SENSITIVITIES REGARDING IAEA SAFEGUARDS, AS NOTED REFTEL D, I ALSO SUGGEST THAT WE DISCUSS THIS WRITTEN STATEMENT WITH THE SOVIETS, HERE IN VIENNA, PRIOR TO DELIVERY TO THE IAEA. A
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CONVENIENT OPPORTUNITY TO DISCUSS THIS WITH THE SOVIETS WILL BE DURING INFORMAL ROUND OF MEETINGS ON SAFEGUARDS BEING PLANNED FOR THE WEEK PRIOR TO THE SAGSI MEETING WHICH BEGINS MAY 31 (REF E). IT WOULD BE DESIRABLE TO PROVIDE THE STATEMENT TO THE SOVIETS AS MUCH PRIOR TO THOSE DISCUSSIONS AS POSSIBLE. I SUGGEST WE COORDINATE SEPARATELY WITH THE U.K. IN THE SAME MANNER SINCE WE HAVE PROVIDED THEM PREVIOUSLY WITH

THE CONTENTS OF REFTEL C. WE WOULD THEN PROPOSE GIVING THE WRITTEN STATEMENT TO THE IAEA IG AND DG DURING EARLY JUNE.

6. THE PROPOSED WRITTEN STATEMENT, BASED ON REF A, IS:

QUOTE A. EARLY IN 1976 THE GOVERNMENT OF THE UNITED STATES CONVEYED ITS VIEWS TO THE SECRETARIAT OF THE IAEA ON A NUMBER OF IMPORTANT QUESTIONS AND ISSUES REGARDING IAEA SAFEGUARDS. TO COMPLEMENT AND SUPPLEMENT THOSE VIEWS THE FOLLOWING ADDITIONAL VIEWS ARE PROVIDED.

B. THE SAFEGUARDS OF THE IAEA SHOULD BE THOROUGHLY EFFECTIVE AND THE IAEA SHOULD TAKE FULL ADVANTAGE OF ITS RIGHTS AND CAPABILITIES TO IMPLEMENT EFFECTIVE SAFEGUARDS, WITHOUT MAKING COMPROMISES WHICH WOULD DETRACT FROM SAFEGUARDS EFFECTIVENESS. THE GOVERNMENT OF THE UNITED STATES WILL STAND BEHIND THE IAEA IN ITS SAFEGUARDS RESPONSIBILITIES IN ORDER TO ASSURE EFFECTIVENESS OF THOSE SAFEGUARDS.

C. AT REPROCESSING PLANTS WHERE LARGE QUANTITIES OF PLUTONIUM ARE PROCESSED, IT IS ESSENTIAL THAT IAEA INSPECTORS BE PRESENT IN THE PLANT WHEN ANY CRITICAL OPERATION IS TAKING PLACE. THIS WILL INCLUDE AS A MINIMUM SUCH CRITICAL OPERATIONS AS THE INTRODUCTION OF IRRADIATED MATERIAL INTO THE DISSOLVER, THE WITHDRAWAL OF SAMPLES FROM DISSOLVER OR ACCOUNTABILITY TANKS, VOLUME AND OTHER MEASUREMENTS ON THE CONTENTS OF SUCH TANKS, THE SAMPLING AND REMOVAL FROM THE FACILITY OF HULLS AND OTHER WASTES, AND THE SAMPLING, SEALING AND REMOVAL FROM THE FACILITY OF PRODUCT

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MATERIAL. TO ACHIEVE THIS OBJECTIVE AND TO ASSURE THE

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INFO OCT-01 IO-13 ISO-00 FEA-01 CIAE-00 INR-07 L-03

NSAE-00 NSC-05 EB-07 NRC-05 OES-06 DODE-00 AS-01

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P 121606Z MAY 76

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC PRIORITY 7525

INFO USERDA GERMANTOWN PRIORITY

C O N F I D E N T I A L SECTION 2 OF 2 IAEA VIENNA 3952

DEPT PASS IO/SCT

EFFICACY OF THE INSPECTION PROCESS OF SURVEILLANCE,
THERE MUST BE SUPPLEMENTARY MEANS, SUCH AS SEALS AND
CAMERAS, OF UNQUESTIONABLE INTEGRITY WHICH ALLOW THE
IAEA TO SAY WITHOUT DOUBT THAT CERTAIN ACTIVITIES HAVE
NOT TAKEN PLACE AT TIMES WHEN THE INSPECTORS WERE
ABSENT.

D. THERE MUST BE FREQUENT INSPECTIONS OF SUCH
FACILITIES, PARTICULARLY WHERE SUBSTANTIAL AMOUNTS OF
SEPARATED PLUTONIUM ARE PRESENT EITHER ON AN INTERIM
OR LONG TERM BASIS, REGARDLESS OF WHETHER ANY PLANT
OPERATIONS ARE SCHEDULED, TO ENSURE, INTER ALIA, THE
INTEGRITY OF SEALS AND THE CORRECT OPERATION OF SURVEIL-
LANCE EQUIPMENT AND THEREBY TO PROVIDE VERY EARLY WARN-
ING OF ANY DIVERSION. THESE FREQUENT INSPECTIONS MUST
INCLUDE RANDOM, UNANNOUNCED INSPECTIONS WHICH CAN BE
PARTICULARLY VALUABLE FOR GENERAL SURVEILLANCE PURPOSES.
THE IAEA RIGHT TO BE PRESENT MUST NOT BE CONFINED TO
SPECIFIC AND PREANNOUNCED MEASUREMENT OPERATIONS.

E. THE TIMELINESS OF THE DETECTION OF DIVERSION
AND THE TIMELINESS OF THE REPORTING OF ANY SUCH DETECT-
IONS ARE KEY CRITERIA IN MEASURING THE EFFECTIVENESS
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OF IAEA SAFEGUARDS. WHERE SUBSTANTIAL AMOUNTS OF
WEAPONS USABLE MATERIAL ARE PRESENT IN EITHER TEMPORARY
OR LONG-TERM STORAGE BUT WHERE THE MATERIAL IS NOT
INVOLVED IN A HIGH FREQUENCY AND COMPLEXITY OF
OPERATIONS THE IAEA SHOULD AIM TOWARD THE DETECTION
OF ANY MAJOR DIVERSION ON A TIMESCALE OF LESS THAN
ONE WEEK. THE USE OF SELF MONITORING AND REPORTING
SEALS, WHEN DEVELOPED, MIGHT CONTRIBUTE SUBSTANTIALY

TO THE ACHIEVEMENT OF THIS OBJECTIVE, PERMITTING SOME-
WHAT LESS FREQUENT PHYSICAL PRESENCE. IN OTHER CASES,
SUCH AS CRITICAL FACILITIES, WHERE THERE IS A HIGH
FREQUENCY AND COMPLEXITY OF OPERATIONS, AND WHERE SOME
MATERIAL MAY NOT BE READILY AVAILABLE FOR MEASUREMENT,
THE IAEA WILL HAVE TO APPLY A HIGH FREQUENCY OF PRESENCE,
TOGETHER WITH SURVEILLANCE AND CONTAINMENT MEASURES, TO
OBTAIN AND MAINTAIN ASSURANCE THAT DIVERSION HAS NOT TAKEN
PLACE.

F. THE ABOVE REQUIREMENTS COULD THEORETICALLY BE
MET WITHOUT RESIDENT INSPECTORS IN THE SENSE OF HAVING
INSPECTORS TAKE UP PERMANENT RESIDENCE IN THE STATE.
IN RECOGNITION OF THE SENSITIVITY OF THE TERM "RESIDENT
INSPECTION," THE TERM CONTINUOUS INSPECTION IS USED IN
ITS PLACE. ACHIEVEMENT OF THE ABOVE REQUIREMENTS,
HOWEVER, REQUIRES AS A MINIMUM THE CONTINUOUS PRESENCE
OF INSPECTORS, WHETHER PERMANENT OR ROTATED, IN THE
IMMEDIATE VICINITY OF A REPROCESSING PLANT. THE
IAEA SHOULD, THEREFORE, HAVE INSPECTORS IN OR NEAR THE PLANT
AT ALL TIMES, IN ORDER TO CARRY OUT THE VARIOUS
NECESSARY INSPECTION ACTIVITIES. AS A MINIMUM, SUCH
CONTINUOUS INSPECTION WOULD PROVIDE THE BASIS FOR
EARLY DETECTION OF MAJOR AND CLEAR-CUT DIVERSIONS.

G. THE CONCEPT OF CONTINUOUS INSPECTION IN THIS
SENSE DOES NOT NECESSARILY MEAN THAT INSPECTORS MUST
BE PHYSICALLY PRESENT IN A PLANT 24 HOURS A DAY AND 7
DAYS A WEEK. USE OF THE TERM "CONTINUAL INSPECTION"
SHOULD BE AVOIDED SINCE IT WOULD ONLY SERVE TO WEAKEN
THE POSITION OF THE IAEA AT A CRITICAL JUNCTURE IN THE
DEVELOPING IMPLEMENTATION OF SAFEGUARDS BY IMPLYING THAT
SOMETHING LESS THAN WHAT WAS ALWAYS INTENDED WOULD NOW
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BE ACCEPTABLE. THIS COULD SERIOUSLY PREJUDICE
CONFIDENCE IN THE SAFEGUARDS OF THE IAEA AMONG NUMEROUS
CRITICS.

H. THE QUESTION OF WHETHER OR NOT THERE SHOULD BE
CONTINUOUS INSPECTOR PRESENCE IN A PLANT SHOULD BE
EXAMINED ON A CASE-BY-CASE BASIS, TAKING INTO CONSIDER-
ATION THE SIZE OF THE PLANT, ITS THROUGHPUT, THE NATURE
OF THE PROCESS AND THE GENERAL DESIRABILITY OF HAVING
A UNIFORM POLICY OF SAFEGUARDING SIMILAR PLANTS. IN
THE FUTURE SOME LARGE PLANTS WITH HIGH FLOWS MIGHT
REQUIRE ROUND-THE-CLOCK INSPECTOR PRESENCE AT ONE OR
MORE LOCATIONS WITHIN THE PLANT.

I. TAKING THESE VARIOUS FACTORS INTO ACCOUNT, THIS

CONTINUOUS PRESENCE, EITHER NEAR THE PLANT OR IN THE PLANT AS THE SITUATION WARRANTS, WOULD BE BETTER ASSURED IF THE IAEA WERE TO ASSIGN PERSONNEL TO THE PLANT FOR AT LEAST SEVERAL MONTHS DURATION. PERSONAL RESIDENCE NEAR THE PLANT NEED NOT NECESSARILY BE ESTABLISHED, BUT SHOULD THE IAEA CONCLUDE THAT PERSONAL RESIDENCE IS NECESSARY IN ANY PARTICULAR SITUATION OR SITUATIONS FOR THE EFFECTIVE IMPLEMENTATION OF SAFEGUARDS, THE GOVERNMENT OF THE UNITED STATES WILL SUPPORT THE IAEA IN THE ASSERTION OF ITS RIGHTS TO HAVE INSPECTORS MAINTAIN SUCH RESIDENCE. THESE RIGHTS FLOW OUT OF THE UNDERTAKINGS AND OBLIGATIONS OF THE IAEA TO APPLY EFFECTIVE SAFEGUARDS AND THE UNDERTAKING OF THE SAFEGUARDED COUNTRY TO FACILITATE THE IMPLEMENTATION OF SAFEGUARDS BY THE IAEA. THE IAEA SHOULD IN NO CASE RENOUNCE THE RIGHT TO HAVE INSPECTORS TAKE UP RESIDENCE IN A COUNTRY SUBJECT TO SAFEGUARDS.

7. ACTION REQUESTED: APPROVAL OF THE PROPOSED WRITTEN STATEMENT CONTAINED IN PARAGRAPH 6 ABOVE AND OF THE PLAN OF ACTION PROPOSED IN PARAGRAPH 5. STONE

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